

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION

KIMBERLY SUE LOPEZ, as

Next friend of her minor child B.P.L.A.,
Plaintiff(s),

v.

JOAN M. KUBALANZA, et al.,
Defendant(s).

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Honorable Matthew F. Kennelly

No. 1:24-cv-13340

PLAINTIFF'S NOTICE OF CLARIFICATION AND PROCEDURAL
COMPLIANCE

Plaintiff Kimberly S. Lopez, *pro se*, respectfully submits this Notice of Clarification regarding her filings in opposition to Defendants' Motions to Dismiss, and to correct the record as to recent mischaracterizations by the State Defendants (Dkt. 118):

1. On April 6, 2025, Plaintiff filed her Motion for Leave Instante to Submit a Reply Memorandum in Opposition to Defendants' Motions to Dismiss (Dkt. 111) and simultaneously submitted her full opposition brief (Dkt. 112) and a Motion for Leave Instante to Exceed Page Limitations pursuant to Local Rule 7.1 (Dkt. 111-1).

2. In accordance with the Court's directive at the prior status hearing, Plaintiff's consolidated memorandum (Dkt. 112) addresses all arguments raised by 18 named Defendants and includes 14 federal questions, supported by 847 pages of exhibits.
3. On April 4, 2025, prior to Plaintiff's filing, counsel for the State Defendants emailed Plaintiff directly to request the status of her anticipated exhibits. (See Exhibit A, attached). This communication confirms that Defendants were aware that Plaintiff's full opposition was forthcoming and had no confusion at the time.
4. Plaintiff respectfully clarifies that Dkt. 112 is her controlling and operative response to Defendants' Motions to Dismiss. Dkt. 100, an earlier partial filing, is superseded and should be disregarded for purposes of ruling. Plaintiff further notes that Dkt. 100 was an initial filing submitted in advance of the in-person status hearing, prior to the Court's directive to submit a full response by April 9, 2025. That filing did not address all named Defendants and was prepared prematurely. During the March 14, 2025 hearing, Defendants raised objections to the formatting of Plaintiff's response, and the Court instructed Plaintiff to submit her supporting exhibits and full opposition brief. In accordance with that direction, Plaintiff prepared and filed Dkt. 112 as a comprehensive, consolidated response addressing all Defendants, with leave requested to exceed page limits.
5. Plaintiff's filings were timely, in good faith, and procedurally proper. All materials were submitted on or before the Court's April 9, 2025 deadline and with corresponding motions for leave under applicable rules.

6. Defendants' motion for extension (Dkt. 118) claims uncertainty regarding Plaintiff's filings. However, the record, including Defendants' own pre-filing communications, makes clear that such uncertainty is unfounded.

WHEREFORE, Plaintiff respectfully requests that the Court treat Dkt. 112 as her operative opposition to all pending motions to dismiss, deem Dkt. 100 withdrawn, and disregard Defendants' procedural objections as inconsistent with the actual record.

Date: April 8, 2025

Respectfully submitted,

/s/ Kimberly S. Lopez
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